UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:	)	Case No. 16-47076-705
	)	
ROBERT COKER and KATHLEEN COKER,	)	Chapter 7
	)	
Debtors,	)	Hon. Charles E. Rendlen, III
	)	U. S. Bankruptcy Judge
UNITED STATES TRUSTEE,	)	
	)	Courtroom 7 South
Movant,	)	
v.	)	
	)	
ROBERT COKER and KATHLEEN COKER,	)	Hearing Date: January 18, 2017
	)	Hearing Time: 9:30 a.m.
Respondents.	)	

UNITED STATES TRUSTEE'S MOTION TO DISMISS CASE FOR ABUSE PURSUANT TO11 U.S.C. §§ 707(b)(1) AND 707(b)(2)

Daniel J. Casamatta, the Acting United States Trustee (the "U.S. Trustee" or the "Movant") for Region 13, by and through the undersigned Assistant U.S. Trustee, hereby respectfully moves this Court to enter an order dismissing this case for abuse pursuant to 11 U.S.C. §§ 707(b)(1) & 707(b)(2).[1] In support of this motion, the U.S Trustee respectfully states as follows:

1. This Court has jurisdiction of this matter under 28 U.S.C. §§1334(a) & (b), 157(a) & (b)(1), and 151. This is a core proceeding under 28 U.S.C. §§157(b)(2)(A) & (B). This motion is filed pursuant to 11 U.S.C. §§ 707(b)(1) & 707(b)(2).

2. Robert Coker and Kathleen Coker (the "Debtors") filed a voluntary petition under Chapter 7 of the Bankruptcy Code on September 29, 2016.

3. The Section 341 meeting of creditors was held and concluded on October 28, 2016.

[1]Unless otherwise noted, all statutory section references herein are to the Bankruptcy Code, 11 U.S.C. ' 101 *et seq.*

4. On October 5, 2016, the U.S. Trustee sent correspondence to counsel for the Debtors requesting certain information, responses and inquiries. They also filed an Amended Schedule J dated October 14, 2016. The Debtors, through their counsel, provided responses to a majority of the inquiries. This motion is based upon information in the official file and the additional information obtained by this office. On November 7, 2016, the U.S. Trustee filed a Statement of Inability to Determine Presumed Abuse (the "10-Day Statement").

5. This Motion is being filed within thirty (30) days of the 10-Day Statement and is timely.

II. Dismissal under Section 707(b).

6. Section 707(b)(1) of the Bankruptcy Code provides for dismissal of a chapter 7 case upon a finding of "abuse" by an individual debtor with "primarily consumer debts." 11 U.S.C. § 707(b)(1). The Debtors indicated on their Voluntary Petition that their debts are primarily "Consumer/Non-Business." In addition, after reviewing the Debtors' Schedules and other materials provided by the Debtors, the U.S. Trustee submits that the Debtors' obligations are primarily consumer debts. *See* Schedules D, E, and F.

7. Section 707(b)(2)(A)(i) of the Bankruptcy Code requires the Court to presume that a debtor's chapter 7 filing is abusive "if the debtor's current monthly income reduced by amounts determined under clauses (i), (ii), (iii), and (iv) [of § 707(b)(2)(A)], and multiplied by 60 is not less than the lesser of -

> (I) 25 percent of the debtor's non-priority unsecured claims in the case, or $7,700.00, whichever is greater; or
>
> (II) $12,850.00.

11 U.S.C. § 707(b)(2)(A)(i).

8. Stated differently, if after deducting all allowable expenses from a debtor's current monthly income, the debtor has less than $128.33 per month in monthly disposable income (*i.e.*, less than $7,700.00 to fund a 60 month repayment plan), the filing is not presumed abusive. If the debtor has monthly disposable income of more than $214.17 or more, or $12,850.00 to fund a 60 month plan, the filing is presumed abusive. Finally, if a debtor has between $128.33 and $214.17 per month in disposable income, the case will be presumed abusive if that sum, multiplied by 60, will pay 25% or more of the debtor's non-priority unsecured debts.

9. In the present case, the Debtors' Statement of Current Monthly Income and Means Test Calculation ("Form 122A-2")[2] indicates that the presumption of abuse does not arise. The U.S. Trustee has identified errors or discrepancies with respect to the Debtors' expense deductions on Form 122A-2. Based upon the U.S. Trustee's proposed corrections (see below), the Debtors appear to have monthly disposable income totaling $618.75, which multiplied by 60 exceeds $12,850.00. Accordingly, contrary to the Debtors assertion and for the reasons discussed below, the presumption of abuse would appear to arise in this case.

A. No Adjustments to Debtors' Current Monthly Income.

10. Form 122A requires debtors to calculate their "current monthly income" ("CMI"). CMI is defined in § 101(10A) to mean the average monthly income received from all sources by the debtors during a six month period ending on the last day of the month preceding the date of the commencement of the case. 11 U.S.C. § 101(10A).

11. The Debtors' Form 122A-2 lists their CMI as $7,007.48. The U.S. Trustee does not have information to materially challenge this figure at present.

[2]Copies of the Debtor's Form 122A-1 and Form 122A-2 are attached as **Exhibit 1**.

B. U.S. Trustee's Adjustments to Expense Deductions Under § 707(b)(2).

12. The U.S. Trustee asserts that certain of the Debtors' claimed expenses on Form 122A-2 should be adjusted. The adjustment or changes are based upon either errant completion of the Form 122A or unsubstantiated expenses. They are as follows:

a. Line 16, Taxes--the amount of $1,331.40 should be adjusted to $943.40. The tax returns provided by the Debtors indicate significant over-witholdings leading to large tax refunds for the past two tax years.

b. Line 26, Continued contributions to the care of household or family members--the amount of $150.00 should be adjusted to $300.00 based upon information provided by the Debtors.

c. Line 36, Are you eligible to file a case under Chapter 13? – the amount of $120.00 should be adjusted to $72.00 based upon the current multiplier for Debtors' district which is 0.05, not 8.00.

C. Debtors' Adjusted Monthly Disposable Income is Sufficient to Trigger the Presumption of Abuse Pursuant to § 707(b)(2).

13. Based on the adjustments to Debtors' expenses as set forth above, the U.S. Trustee calculates that the Debtors' CMI totals $7,007.48, as compared to allowable expenses of $6,388.73. Using these figures, the Debtors have monthly disposable income via the form in the amount of $618.75, which under the §707(b)(2) analysis would result in a payment of at least $37,125.00 over 60 months.

14. Based upon the foregoing analysis,, the presumption of abuse arises under § 707(b)(2), and the Court should dismiss this case pursuant to § 707(b)(2) on that basis.[3]

WHEREFORE, the United States Trustee respectfully requests, pursuant to 11 U.S.C. §§ 707(b)(1) and 707(b)(2), that the Court find the present case to be an abusive filing and, accordingly, enter an Order dismissing this case or granting such other relief as may be just and proper.

DANIEL J. CASAMATTA

Acting United States Trustee
PAUL A. RANDOLPH
Assistant U.S. Trustee

By: /s/ Paul A. Randolph
E. D. MO #506384 /#AZ-011952
Office of United States Trustee
Thomas F. Eagleton Courthouse
111 So. 10th Street, Suite 6.353
St. Louis, MO 63102
(314) 539-2984 Phone / (314) 539-2990 Fax
Paul.A.Randolph@usdoj.gov

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3 The movant may amend this motion to include alternate or additional grounds in support of dismissal. This may include challenges to the household size of 4 asserted by the Debtors or their incurring more than $80,000.00 in secured automobile loans within a short period of filing of the bankruptcy case.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was electronically mailed by U.S. Bankruptcy Court, Eastern District of Missouri, to those names listed below and/or by first class mail postage prepaid to the following at the below listed addresses; this 7th day of December 2016 to:

Jack Justin Adams
Adams Law Office
1 Mid Rivers Mall Dr., Ste. #200
St. Peters, MO 63376

Robert J. Blackwell
Blackwell and Associates (trustee)
P.O. Box 310
O'Fallon, MO 63366-0310

Robert Coker
Kathleen Coker
154 Parkway Drive
Troy, MO 63379

/s/ Sandra L. Herling
Sandra L. Herling, Paralegal Specialist

EXHIBIT 1

Fill in this information to identify your case:	
Debtor 1	*Robert Coker*
Debtor 2 (Spouse, if filing)	*Kathleen Coker*
United States Bankruptcy Court for the:	Eastern District of Missouri
Case number (if known)	

Check one box only as directed in this form and in Form 122A-1Supp:

☐ 1. There is no presumption of abuse

■ 2. The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 122A-2).

☐ 3. The Means Test does not apply now because of qualified military service but it could apply later.

☐ Check if this is an amended filing

Official Form 122A - 1
Chapter 7 Statement of Your Current Monthly Income

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 122A-1Supp) with this form.

Part 1: Calculate Your Current Monthly Income

1. **What is your marital and filing status?** Check one only.
   - ☐ **Not married**. Fill out Column A, lines 2-11.
   - ■ **Married and your spouse is filing with you.** Fill out both Columns A and B, lines 2-11.
   - ☐ **Married and your spouse is NOT filing with you. You and your spouse are:**
     - ☐ **Living in the same household and are not legally separated.** Fill out both Columns A and B, lines 2-11.
     - ☐ **Living separately or are legally separated.** Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write $0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. **Your gross wages, salary, tips, bonuses, overtime, and commissions** (before all payroll deductions).	$ *2,913.06*	$ *4,094.42*
3. **Alimony and maintenance payments.** Do not include payments from a spouse if Column B is filled in.	$ *0.00*	$ *0.00*
4. **All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.** Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	$ *0.00*	$ *0.00*

5. **Net income from operating a business, profession, or farm**

	Debtor 1			
Gross receipts (before all deductions)	$ *0.00*			
Ordinary and necessary operating expenses	-$ *0.00*			
Net monthly income from a business, profession, or farm	$ *0.00*	Copy here ->	$ *0.00*	$ *0.00*

6. **Net income from rental and other real property**

	Debtor 1			
Gross receipts (before all deductions)	$ *0.00*			
Ordinary and necessary operating expenses	-$ *0.00*			
Net monthly income from rental or other real property	$ *0.00*	Copy here ->	$ *0.00*	$ *0.00*

	Column A	Column B
7. **Interest, dividends, and royalties**	$ *0.00*	$ *0.00*

		Column A Debtor 1	Column B Debtor 2 or non-filing spouse
8.	**Unemployment compensation**	$ *0.00*	$ *0.00*
	Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:		
	For you $ *0.00*		
	For your spouse $ *0.00*		
9.	**Pension or retirement income.** Do not include any amount received that was a benefit under the Social Security Act.	$ *0.00*	$ *0.00*
10.	**Income from all other sources not listed above.** Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total below.		
	.	$ *0.00*	$ *0.00*
		$ *0.00*	$ *0.00*
	Total amounts from separate pages, if any. +	$ *0.00*	$ *0.00*

11. **Calculate your total current monthly income.** Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

$ *2,913.06* + $ *4,094.42* = $ *7,007.48*

Total current monthly income

Part 2: Determine Whether the Means Test Applies to You

12. **Calculate your current monthly income for the year.** Follow these steps:

12a. Copy your total current monthly income from line 11 **Copy line 11 here=>** $ *7,007.48*

Multiply by 12 (the number of months in a year) **x** 12

12b. The result is your annual income for this part of the form 12b. $ *84,089.76*

13. **Calculate the median family income that applies to you.** Follow these steps:

Fill in the state in which you live. *MO*

Fill in the number of people in your household. *4*

Fill in the median family income for your state and size of household. 13. $ *74,386.00*

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

14. **How do the lines compare?**

14a. ☐ Line 12b is less than or equal to line 13. On the top of page 1, check box 1, *There is no presumption of abuse.* Go to Part 3.

14b. ■ Line 12b is more than line 13. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 122A-2.* Go to Part 3 and fill out Form 122A-2.

Part 3: Sign Below

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

X */s/ Robert Coker*
Robert Coker
Signature of Debtor 1

Date *September 28, 2016*
MM / DD / YYYY

X */s/ Kathleen Coker*
Kathleen Coker
Signature of Debtor 2

Date *September 28, 2016*
MM / DD / YYYY

If you checked line 14a, do NOT fill out or file Form 122A-2.

If you checked line 14b, fill out Form 122A-2 and file it with this form.

Fill in this information to identify your case:	
Debtor 1	*Robert Coker*
Debtor 2 (Spouse, if filing)	*Kathleen Coker*
United States Bankruptcy Court for the:	Eastern District of Missouri
Case number (if known)	

Check the appropriate box as directed in lines 40 or 42:

According to the calculations required by this Statement:

- ■ 1. There is no presumption of abuse.
- ☐ 2. There is a presumption of abuse.

☐ Check if this is an amended filing

Official Form 122A - 2
Chapter 7 Means Test Calculation

04/16

To fill out this form, you will need your completed copy of *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1).

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form, Include the line number to which additional information applies. On the top any additional pages, write your name and case number (if known).

Part 1: Determine Your Adjusted Income

1. **Copy your total current monthly income.** **Copy line 11 from Official Form 122A-1 here=>**........ $ *7,007.48*

2. **Did you fill out Column B in Part 1 of Form 122A-1?**
   - ☐ No. Fill in $0 for the total on line 3.
   - ■ Yes. Is your spouse Filing with you?
     - ☐ No. Go to line 3.
     - ■ Yes. Fill in $0 for the total on line 3.

3. **Adjust your current monthly income by subtracting any part of your spouse's income not used to pay for the household expenses of you or your dependents.** Follow these steps:

   On line 11, Column B of Form 122A–1, was any amount of the income you reported for your spouse NOT regularly used for the household expenses of you or your dependents?

   - ■ No. Fill in 0 for the total on line 3.
   - ☐ Yes. Fill in the information below:

State each purpose for which the income was used For example, the income is used to pay your spouse's tax debt or to support other than you or your dependents.	**Fill in the amount you are subtracting from your spouse's income**
	$
	$
	$
Total.	$ *0.00*

Copy total here=>... - $ *0.00*

4. **Adjust your current monthly income.** Subtract line 3 from line 1. $ *7,007.48*

Part 2: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not deduct any amounts that you subtracted fro your spouse's income in line 3 and do not deduct any operating expenses that you subtracted from in income in lines 5 and 6 of form 122A-1.

If your expenses differ from month to month, enter the average expense.

Whenever this part of the from refers to *you,* it means both you and your spouse if Column B of Form 122A-1 is filled in.

5. **The number of people used in determining your deductions from income**

   Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household. **4**

National Standards You must use the IRS National Standards to answer the questions in lines 6-7.

6. **Food, clothing, and other items:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items. $ **1,509.00**

7. **Out-of-pocket health care allowance:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories--people who are under 65 and people who are 65 or older--because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

People who are under 65 years of age

7a.	Out-of-pocket health care allowance per person	$ 54		
7b.	Number of people who are under 65	X 3		
7c.	**Subtotal.** Multiply line 7a by line 7b.	$ 162.00	**Copy here=>**	$ 162.00

People who are 65 years of age or older

7d.	Out-of-pocket health care allowance per person	$ 130		
7e.	Number of people who are 65 or older	X 1		
7f.	**Subtotal.** Multiply line 7d by line 7e.	$ 130.00	**Copy here=>**	+$ 130.00
7g.	T**otal.** Add line 7c and line 7f	$ 292.00	**Copy total here=>**	$ 292.00

Local Standards You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

■ **Housing and utilities - Insurance and operating expenses**

■ **Housing and utilities - Mortgage or rent expenses**

To answer the questions in lines 8-9, use the U.S. Trustee Program chart.

To find the chart, go online using the link specified in the separate instructions for this form.
This chart may also be available at the bankruptcy clerk's office.

8. **Housing and utilities - Insurance and operating expenses:** Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses. .... $ ***591.00***

9. **Housing and utilities - Mortgage or rent expenses:**

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses.................................. $ ***1,112.00***

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Name of the creditor	Average monthly payment
Chase Mortgage	$ ***1,026.00***
Total average monthly payment	$ ***1,026.00***

Copy here=> -$ ***1,026.00*** Repeat this amount on line 33a.

9c. Net mortgage or rent expense.

Subtract line 9b (*total average monthly payment*) from line 9a (*mortgage or rent expense*). If this amount is less than $0, enter $0. .... $ ***86.00*** **Copy here=>** $ ***86.00***

10. **If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim.** $ ***0.00***

Explain why:

11. **Local transportation expenses:** Check the number of vehicles for which you claim an ownership or operating expense.

☐ 0. Go to line 14.

☐ 1. Go to line 12.

■ 2 or more. Go to line 12.

12. **Vehicle operation expense:** Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the *Operating Costs* that apply for your Census region or metropolitan statistical area. $ ***382.00***

13. **Vehicle ownership or lease expense:** Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 **Describe Vehicle 1:** *2016 Chevrolet Silverado 5000 miles*

13a. Ownership or leasing costs using IRS Local Standard... $ *471.00*

13b. Average monthly payment for all debts secured by Vehicle 1.
Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you filed for bankruptcy. Then divide by 60.

Name of each creditor for Vehicle 1	Average monthly payment
Ally Financial	$ *738.32*

Total Average Monthly Payment $ *738.32* **Copy here =>** -$ *738.32* Repeat this amount on line 33b.

13c. Net Vehicle 1 ownership or lease expense
Subtract line 13b from line 13a. if this amount is less than $0, enter $0. $ *0.00* **Copy net Vehicle 1 expense here =>** $ *0.00*

Vehicle 2 **Describe Vehicle 2:** *2015 Chevrolet Silverado 8000 miles*

13d. Ownership or leasing costs using IRS Local Standard.. $ *471.00*

13e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

Name of each creditor for Vehicle 2	Average monthly payment
Wells Fargo Dealer Services	$ *613.08*

Total Average Monthly Payment $ *613.08* **Copy here =>** -$ *613.08* Repeat this amount on line 33c.

13f. Net Vehicle 2 ownership or lease expense
Subtract line 13e from line 13d. if this amount is less than $0, enter $0. .... $ *0.00* **Copy net Vehicle 2 expense here =>** $ *0.00*

14. **Public transportation expense:** If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the *Public Transportation* expense allowance regardless of whether you use public transportation. $ *0.00*

15. **Additional public transportation expense:** If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for *Public Transportation*. $ *0.00*

Other Necessary Expenses In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

16. **Taxes:** The total monthly amount that you will actually owe for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. However, if you expect to receive a tax refund, you must divide the expected refund by 12 and subtract that number from the total monthly amount that is withheld to pay for taxes.
    Do not include real estate, sales, or use taxes. $ ***1,331.40***

17. **Involuntary deductions:** The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs.
    Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings. $ ***0.00***

18. **Life Insurance:** The total monthly premiums that you pay for your own term life insurance. If two married people are filing together, include payments that you make for your spouse's term life insurance. Do not include premiums for life insurance on your dependents, for a non-filing spouse's life insurance, or for any form of life insurance other than term. $ ***0.00***

19. **Court-ordered payments:** The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments.
    Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 35. $ ***0.00***

20. **Education:** The total monthly amount that you pay for education that is either required:
    - ■ as a condition for your job, or
    - ■ for your physically or mentally challenged dependent child if no public education is available for similar services. $ ***0.00***

21. **Childcare:** The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool.
    Do not include payments for any elementary or secondary school education. $ ***0.00***

22. **Additional health care expenses, excluding insurance costs:** The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 7.
    Payments for health insurance or health savings accounts should be listed only in line 25. $ ***0.00***

23. **Optional telephone and telephone services:** The total monthly amount that you pay for telecommunication services for you and your dependents, such as pagers, call waiting, caller identification, special long distance, or business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer.
    Do not include payments for basic home telephone, internet and cell phone service. Do not include self-employment expenses, such as those reported on line 5 of Official Form 122A-1, or any amount you previously deducted. **+**$ ***150.00***

24. **Add all of the expenses allowed under the IRS expense allowances.**
    Add lines 6 through 23. $ ***4,341.40***

Additional Expense Deductions These are additional deductions allowed by the Means Test.

Note: Do not include any expense allowances listed in lines 6-24.

25. **Health insurance, disability insurance, and health savings account expenses.** The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.

Health insurance	$ *403.31*	
Disability insurance	$ *0.00*	
Health savings account	+ $ *0.00*	
Total	$ *403.31*	Copy total here=> $ *403.31*

Do you actually spend this total amount?

- ☐ No. How much do you actually spend? $
- ■ Yes

26. **Continued contributions to the care of household or family members.** The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C.§ 529A(b). $ *150.00*

27. **Protection against family violence.** The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply.

    By law, the court must keep the nature of these expenses confidential. $ *0.00*

28. **Additional home energy costs.** Your home energy costs are included in your insurance and operating expenses on line 8.

    If you believe that you have home energy costs that are more than the home energy costs included in expenses on line 8, then fill in the excess amount of home energy costs.

    You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary. $ *0.00*

29. **Education expenses for dependent children who are younger than 18.** The monthly expenses (not more than $160.42* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.

    You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 6-23.

    * Subject to adjustment on 4/01/19, and every 3 years after that for cases begun on or after the date of adjustment. $ *0.00*

30. **Additional food and clothing expense.** The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.

    To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

    You must show that the additional amount claimed is reasonable and necessary. $ *0.00*

31. **Continuing charitable contributions.** The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 26 U.S.C. § 170(c)(1)-(2). +$ *50.00*

32. **Add all of the additional expense deductions.**
    Add lines 25 through 31. $ *603.31*

Deductions for Debt Payment

33. **For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33e.**

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

		Average monthly payment
	Mortgages on your home:	
33a.	Copy line 9b here =>	$ *1,026.00*
	Loans on your first two vehicles:	
33b.	Copy line 13b here =>	$ *738.32*
33c.	Copy line 13e here =>	$ *613.08*

33d. List other secured debts:

Name of each creditor for other secured debt	Identify property that secures the debt	Does payment include taxes or insurance?	
-NONE-		☐ No ☐ Yes	$
		☐ No ☐ Yes	$
		☐ No ☐ Yes	+$

33e. Total average monthly payment. Add lines 33a through 33d $ *2,377.40* Copy total here=> $ *2,377.40*

34. **Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?**

■ No. Go to line 35.
☐ Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 33, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

Name of the creditor	Identify property that secures the debt	Total cure amount		Monthly cure amount
-NONE-		$	÷ 60 =	$

Total $ *0.00* Copy total here=> $ *0.00*

35. **Do you owe any priority claims such as a priority tax, child support, or alimony - that are past due as of the filing date of your bankruptcy case?** 11 U.S.C. § 507.

☐ No. Go to line 36.
■ Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims $ *997.00* ÷ 60 = $ *16.62*

36. **Are you eligible to file a case under Chapter 13?** 11 U.S.C. § 109(e).
For more information, go online using the link for *Bankruptcy Basics* specified in the separate instructions for this form. *Bankruptcy Basics* may also be available at the bankruptcy clerk's office.

☐ No. Go to line 37.

■ Yes. Fill in the following information.

Projected monthly plan payment if you were filing under Chapter 13 $ ***1,500.00***

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts). X ***8.00***

To find a list of district multipliers that includes your district, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

Average monthly administrative expense if you were filing under Chapter 13 $ ***120.00*** **Copy total here=>** $ ***120.00***

37. **Add all of the deductions for debt payment.** $ ***2,514.02***
Add lines 33e through 36.

Total Deductions from Income

38. **Add all of the allowed deductions.**

Copy line 24, *All of the expenses allowed under IRS expense allowances*	$	***4,341.40***
Copy line 32, *All of the additional expense deductions*	$	***603.31***
Copy line 37, *All of the deductions for debt payment*	+$	***2,514.02***
Total deductions	$	***7,458.73***

Copy total here..........=> $ ***7,458.73***

Part 3: Determine Whether There is a Presumption of Abuse

39. **Calculate monthly disposable income for 60 months**

39a. Copy line 4, *adjusted current monthly income*	$	***7,007.48***
39b. Copy line 38, *Total deductions*	- $	***7,458.73***
39c. Monthly disposable income. 11 U.S.C. § 707(b)(2). Subtract line 39b from line 39a	$	***-451.25***

Copy here=>$ ***-451.25***

For the next 60 months (5 years) x 60

39d. **Total.** Multiply line 39c by 60 39d. $ ***-27,075.00*** **Copy here=>** $ ***-27,075.00***

40. **Find out whether there is a presumption of abuse.** Check the box that applies:

■ **The line 39d is less than $7,700*.** On the top of page 1 of this form, check box 1, *There is no presumption of abuse.* Go to Part 5.

☐ **The line 39d is more than $12,850*.** On the top of page 1 of this form, check box 2, *There is a presumption of abuse.* You may fill out Part 4 if you claim special circumstances. Go to Part 5.

☐ **The line 39d is at least $7,700*, but not more than $12,850*.** Go to line 41.

*Subject to adjustment on 4/01/19, and every 3 years after that for cases filed on or after the date of adjustment.

41. 41a. **Fill in the amount of your total nonpriority unsecured debt.** If you filled out *A Summary of Your Assets and Liabilities and Certain Statistical Information Schedules* (Official Form 106Sum), you may refer to line 3b on that form. $ ______

x .25

41b. **25% or your total nonpriority unsecured debt.** 11 U.S.C. § 707(b)(2)(A)(i)(I) $ ______ **Copy here=>** $ ______

Multiply line 41a by 0.25..

42. **Determine whether the income you have left over after subtracting all allowed deductions is enough to pay 25% of your unsecured, nonpriority debt.**
Check the box that applies:

☐ **Line 39d is less than line 41b.** On the top of page 1 of this form, check box 1, *There is no presumption of abuse.* Go to Part 5.

☐ **Line 39d is equal to or more than line 41b.** On the top of page 1 of this form, check box 2, *There is a presumption of abuse.* You may fill out Part 4 if you claim special circumstances. Then go to Part 5.

Part 4: Give Details About Special Circumstances

43. **Do you have any special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative?** 11 U.S.C. § 707(b)(2)(B).

☐ No. Go to Part 5.

■ Yes. Fill in the following information. All figures should reflect your average monthly expense or income adjustment for each item. You may include expenses you listed in line 25.

You must give a detailed explanation of the special circumstances that make the expenses or income adjustments necessary and reasonable. You must also give your case trustee documentation of your actual expenses or income adjustments.

Give a detailed explanation of the special circumstances	Average monthly expense or income adjustment
Financial support for neice	$ ***150.00***
Student Loan Payment	$ ***226.00***
	$
	$

Part 5: Sign Below

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

X ***/s/ Robert Coker***
Robert Coker
Signature of Debtor 1

Date ***September 28, 2016***
MM / DD / YYYY

X ***/s/ Kathleen Coker***
Kathleen Coker
Signature of Debtor 2

Date ***September 28, 2016***
MM / DD / YYYY

Current Monthly Income Details for the Debtor

Debtor Income Details:
Income for the Period ***03/01/2016*** to ***08/31/2016***.

Line 2 - Gross wages, salary, tips, bonuses, overtime, commissions
Source of Income: ***Diamond Services***
Year-to-Date Income:
Starting Year-to-Date Income: ***$7,557.97*** from check dated ***2/19/2016***.
Ending Year-to-Date Income: ***$25,036.30*** from check dated ***8/19/2016***.
Income for six-month period (Ending-Starting): ***$17,478.33***.
Average Monthly Income: ***$2,913.06***.

Current Monthly Income Details for the Debtor's Spouse

Spouse Income Details:
Income for the Period ***03/01/2016*** to ***08/31/2016***.

Line 2 - Gross wages, salary, tips, bonuses, overtime, commissions
Source of Income: ***Wentzville School District***
Year-to-Date Income:
Starting Year-to-Date Income: ***$8,597.84*** from check dated ***2/25/2016***.
Ending Year-to-Date Income: ***$33,164.36*** from check dated ***6/24/2016***.
Income for six-month period (Ending-Starting): ***$24,566.52***.
Average Monthly Income: ***$4,094.42***.